

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

IN RE PORK ANTITRUST LITIGATION

US FOODS, INC., etc.,

Plaintiff,

vs.

SMITHFIELD FOODS, INC., etc.

Defendants.

Case No: 18-cv-1776
Judge John R. Tunheim

Individual Case No. 22-cv-00072 (D.
MN)

Individual Case No. 21-cv-10037 (N.D.
CA)

STIPULATION FOR DISMISSAL WITH PREJUDICE OF PLAINTIFF US FOODS, INC.'S CLAIMS AGAINST DEFENDANT SMITHFIELD FOODS, INC.

Plaintiff US Foods, Inc. and Defendant Smithfield Foods, Inc. in the above-styled action, through counsel, stipulate to the following and respectfully request this Court's approval of their stipulation:

This Stipulation is between Plaintiff US Foods, Inc. (US Foods) and Defendant Smithfield Foods, Inc. ("Smithfield").

1. This Stipulation relates only to *US Foods, Inc. v. Smithfield Foods, Inc.*, Case No. 22-cv-00072 (D. MN.), transferred from Case No. 21-cv-10037 (N.D. CA) (the "US Foods' Action"), and only to US Foods and Smithfield in the US Foods' Action.

2. In accordance with Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, US Foods and Smithfield stipulate and agree to the dismissal, with prejudice, of US Foods' claims against Smithfield in the US Foods' Action, including US Foods' claims against Smithfield in the Direct Action Plaintiffs' ("DAPs") Consolidated Complaint, ECF No. 1659, in *In re Pork Antitrust*

Litigation, Case No. 18-cv-1776 (D. MN.) (“MDL 1776”), with US Foods and Smithfield each bearing its own attorneys’ fees and costs.

3. This Stipulation of Dismissal, with prejudice, does not apply to and has no bearing on any plaintiff or defendant in the US Foods’ Action -- including any of the parties identified in the DAPs’ Consolidated Complaint at ECF No. 1659 in MDL 1776 -- other than US Foods and Smithfield.

Dated: January 4, 2023

Respectfully submitted,

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